

APR 16 2014

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. DUNN, CLERK
BY: 
DEPUTY CLERK

KELVIN CANADA,)	Civil Action No. 7:13cv00323
Plaintiff,)	
)	
v.)	<u>FINAL ORDER</u>
)	
DR. DANIEL MILLER, <i>et al.</i> ,)	By: Samuel G. Wilson
Defendants.)	United States District Judge

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED**
and **ADJUDGED** that

1. Canada's motion for reconsideration (ECF No. 37) is **CONSTRUED** as a motion to accept his responses to the defendant's motions as timely filed and that motion is **GRANTED** to the extent that his responses in opposition to the defendants' motions (ECF Nos. 45 and 46) are deemed timely filed;
2. Dr. Miller and Nurse Phipps' motions for summary judgment (ECF Nos. 24 and 40) are **GRANTED**;
3. Schilling's motion to dismiss (ECF No. 20) is **GRANTED**;
4. Canada's motion for recusal (ECF No. 50) is **DENIED**;
5. Canada's motion to compel discovery (ECF No. 51) is **DENIED** as moot;
6. The Clerk is **DIRECTED** to **STRIKE** this matter from the court's active docket.

The Clerk is also directed to send copies of this order and accompanying memorandum opinion to the parties.

ENTER: April 16, 2014.


UNITED STATES DISTRICT JUDGE